

THE HONOURABLE SRI JUSTICE

B.SESHASAYANA REDDY

WRIT PETITION NO.2589 OF 2005

DISPOSED OF ON 20-09-2005

BETWEEN:

THIGULLA BHEEM RAJ GOUD ... PETITIONER

AND

THE A.P.HOUSING BOARD REP. BY

ITS VICE CHAIRMAN AND HOUSING

COMMISSIONER, GRUHAKALPA, HYD

AND OTHERS RESPONDENTS

THE HONOURABLE SRI JUSTICE

B.SESHASAYANA REDDY

WRIT PETITION NO.2589 OF 2005

ORDER :

1. With the consent of learned counsel appearing for the petitioner and learned Standing Counsel appearing for respondents 1 and 2 this writ petition has been taken up for final disposal.

2. This Writ Petition has been filed by the petitioner assailing the action of the 2nd respondent-The Executive Engineer (HG), South Division, A.P. Housing Board, M.J.Road, Hyderabad in issuing Lr.No.B16/F6 HIG.II/BLP/E1/EE(S)/05, dated 1.2.2005 whereunder the petitioner has been informed to approach the competent court.

3. The petitioner purchased flat bearing No.HIG-II B16/F6 from original allottee namely M.V. Krishnaiah. He also paid consideration to the original allottee. Thereafter he submitted an application to the A.P. Housing Board for execution of the conveyance deed. 2nd respondent under letter dated 1.2.2005 directed the petitioner to obtain orders of the competent court. Assailing the action of 2nd respondent this writ petition is filed.

4. Heard learned counsel appearing for the petitioner and learned Standing Counsel appearing for respondents 1 and 2.

5. 3rd respondent despite receipt of notice did not chose to enter appearance. 4th respondent entered appearance through a counsel but he has not chosen to file counter.

6. The grievance of the petitioner is that his request has not been considered in accordance with the G.O.Ms.No.67, dated 8.9.2001 and therefore issuance of the

impugned letter by 2nd respondent without considering his request in accordance with the said Government Order is not legal and proper. Learned Standing Counsel appearing for the respondents 1 and 2 did not chose to controvert the fact that 2nd respondent has not considered the said Government Order while passing the impugned order.

7. As per G.O.Ms.Njo.67, dated 8.9.2001 in case the original allottee has transferred the flat to third party through a sale agreement either on white paper or stamp paper signed by the allottee, transfer of allotment of flat in favour of the agreement holder will be considered after levying transfer fee from the transferee at 7 % of the present market value of the flat. It indicates that the agreement holder is also entitled to have conveyance deed subject to fulfillment of certain conditions. In that view of the matter, this writ petition is disposed of directing respondents 1 and 2 to consider the request of the petitioner in accordance with G.O.Ms.No.67, dated 8.9.2001 after issuing notice to all the parties concerned within two months from the date of receipt of a copy of this order. No costs.

Dated: 20.9.2005 (B.Seshasayana Reddy,J)

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